

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Thursday 15th May 2014 at 6pm
in the Heritage Room, Town Hall, Saturday Market Place, King's Lynn.**

PRESENT:

Councillors C Joyce (Chairman)
J Collop, P Foster (Vice-Chairman), A Lovett, Mrs K Mellish,
Mrs S Smeaton (substitute), M Tilbury, A Tyler (substitute),
D Whitby and A Wright (substitute)

Portfolio Holders Present:

Councillor A Beales, Portfolio Holder for Regeneration and Industrial Assets
Councillor N Daubney, Leader and Portfolio Holder for Resources.

Management Team/Officers:

Ray Harding, Chief Executive

Apologies for absence were received from Councillor I Gourlay, Councillor J Loveless, Councillor T Manley and Councillor Mrs Sandell.

CSC01: **APPOINTMENT OF CHAIRMAN**

RESOLVED: That Councillor C Joyce be appointed Chairman of the Cabinet Scrutiny Committee for the Municipal Year.

CSC02: **APPOINTMENT OF VICE-CHAIRMAN**

Councillor J Loveless was proposed and seconded to be appointed as Vice-Chairman for the Municipal Year.

Councillor P Foster was proposed and seconded to be appointed as Vice-Chairman for the Municipal Year.

On being put to the vote, and with the Chairman having the casting vote it was:

RESOLVED: That Councillor P Foster be appointed Vice-Chairman of the Cabinet Scrutiny Committee for the Municipal Year.

CSC03: **MINUTES**

The minutes of the meeting held on 16th April 2014 were agreed as a correct record and signed by the Chairman.

CSC04: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC05: **DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

CSC06: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members pursuant to Standing Order 34.

CSC07: **CHAIRMAN'S CORRESPONDENCE**

The Chairman had no correspondence to report.

CSC08: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC09: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

There were no matters called-in pursuant to Standing Order 12.

CSC10: **ASSET MANAGEMENT – ACQUISITION OF INDUSTRIAL SITE – LAND AT THE WILLOW BUSINESS PARK, WILLOW ROAD, KING'S LYNN**

Councillor J Collop, whilst acknowledging the question had been raised at Full Council, questioned why the report had been submitted for consideration by Cabinet so quickly and why had there had not been an opportunity for input from the appropriate Policy & Development Panel. In response, the Leader explained that on-going negotiations were already being held with representatives from Norfolk County Council in relation to the Borough Council's interest in acquiring the site, however, following the issue being raised at Full Council and therefore subsequently being released in the public domain, it was felt that it was appropriate, at this stage to formalise the process.

Councillor J Collop referred to the fact the decision had been entirely within Cabinet's powers to decide and also referred to the financial implications outlined within the report and stated that he felt that Members had not been involved in the process. He also made reference to his involvement opposing the proposed incinerator at a County Council level.

Councillor J Collop further referred to the issue of Members not being involved in the process and given the likely financial implications if the Borough Council acquired the land, questioned whether Members would be involved in the next stage of the process. In response, the Portfolio Holder for Regeneration and Industrial Assets reiterated that discussions were already being held with Norfolk County Council (NCC) but as a consequence of the issue being raised at Full Council, it had been deemed appropriate to formalise the process. He referred to the recommendations as outlined in the report and explained that at this stage the purpose of the report was to agree a brief with NCC for the valuation to be carried out by the Valuation Office Agency. Further reports would follow which would be considered by the relevant Panel and ultimately the final decision would be subject to approval by Full Council.

The Chairman questioned whether in his opinion, the Portfolio Holder for Regeneration and Industrial Assets believed that NCC would accept the valuation carried out by the Valuation Office Agency. The Portfolio Holder explained that the purpose of seeking an independent valuation was to try and avoid protracted and difficult negotiations. He further explained that he would approach the acquisition of the site from a commercial aspect and once a valuation had been determined, a business case would be formulated to ascertain whether it was viable for the Borough Council to acquire the site. In the event that the Borough Council were to secure ownership of the site, consideration would also have to be given to determine the future use of the site. The Portfolio Holder did highlight that the outcome of the valuation may determine that it was not commercially viable for the Borough Council to acquire the site.

Councillor A Tyler referred to Section 3.1 of the report in relation to the future use of the site which stipulated that "it is clearly understood that this would exclude mass burn incineration or other similar uses but could include for example recycling industrial or commercial uses" and questioned whether, if the land was purchased by another party, there could be legal barriers that could be put in place to prevent a mass burn incinerator being built. The Portfolio Holder for Regeneration and Industrial Assets explained that the site already was an allocated site for the disposal of waste in the NCC Minerals & Waste Core Strategy and a decision was pending from the Secretary of State as to whether he would grant planning permission for a mass burn incinerator. He further stated that if the Borough Council was successful in acquiring the land and subsequent planning permission was granted by the Secretary of State, it would seek to place a covenant to preclude the use of the site for a mass burn incinerator. The Portfolio Holder highlighted that there was limited availability of sites with permission for waste which may put a premium value on the site.

Councillor Tilbury stated that following Full Council, he had become aware of the confidential discussions that were being held with NCC

in relation to the Borough Council's interest in acquiring the site. In his opinion, he felt it likely that the Secretary of State would grant permission for a mass burn incinerator and therefore he supported the approach, both commercially and politically, that the Council had adopted. Councillor Tilbury also explained that he had recently attended three Parish Council meetings at which full support had been given to the action the Borough Council were seeking to take.

Councillor A Tyler questioned whether Cabinet had considered any other means of preventing a mass burn incinerator being built on the site. The Portfolio Holder for Regeneration and Industrial Assets explained that he believed the most effective way was for the Borough Council to purchase the site, particularly as it was best placed in terms of relevant experience to develop and manage the site. He highlighted that there was still a risk that Cory Wheelabrator could also purchase the site.

Councillor J Collop questioned whether it would have been more prudent to not release any information whilst negotiations were being held with NCC. He referred to the question being raised at Full Council and subsequently the speed in which the late report was submitted to Cabinet. The Portfolio Holder for Regeneration and Industrial Assets explained that for commercial purposes, it was felt prudent to formalise the process. The Leader also reiterated that as a result of the issue being raised at Full Council and subsequently released in the public domain it was deemed appropriate to formalise the process. He hoped that it would also bring closure on what was a difficult period in the Council's relationship with NCC and hoped that those Councillors at a County Council level would support the Borough Council's action.

Councillor J Collop sought assurances from the Leader that all Members would be involved in the decision making process going forward. In response the Leader explained that it was in the interest of the Council to follow the formal process and with only a few exceptions, all Members had been united to date in opposing the proposal for a mass burn incinerator and he hoped that the action proposed would continue to attract full support from Members.

Councillor A Tyler questioned whether Cabinet considered carefully the timing of the report. The Leader explained that it was in the interest of the Borough Council to acquire the land. The Portfolio Holder for Regeneration and Industrial Assets also explained that it was in the interest of the Council to ensure that they had the support of all Members and that they were informed and involved in the process going forward. He also took the opportunity to inform the Committee that all Members would be invited to attend a meeting hosted by the Resources and Performance Panel to be informed about the Council's proposal for a Major Housing Development scheme, which further demonstrated Cabinet's intention to involve all Members in major decisions.

The Chief Executive explained that it was in the Borough Council's interest to acquire the site prior to any announcement made by the Secretary of State. He also highlighted that the process may continue at some pace in order that the Borough Council were in a position to acquire the site.

CSC11: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no Portfolio Holders' Decisions to consider.

CSC12: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 19th June 2014 at 6pm.

Meeting closed at 6.40pm